

**UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING  
56 Forsyth Street, N.W.  
Atlanta, Georgia 30303

David J. Smith  
Clerk of Court

For rules and forms visit  
[www.ca11.uscourts.gov](http://www.ca11.uscourts.gov)

January 12, 2024

Richard Anderson  
Alabama Attorney General's Office  
501 WASHINGTON AVE  
PO BOX 300152  
MONTGOMERY, AL 36130

Robert Grass  
Arnold & Porter Kaye Scholer, LLP  
250 W 55TH ST  
NEW YORK, NY 10019

Andrew Burns Johnson  
Bradley Arant Boult Cummings, LLP  
1819 5TH AVE N  
BIRMINGHAM, AL 35203

Edmund Gerard LaCour Jr.  
Alabama Attorney General's Office  
501 WASHINGTON AVE  
PO BOX 300152  
MONTGOMERY, AL 36130

Robert Overing  
Alabama Attorney General's Office  
501 WASHINGTON AVE  
PO BOX 300152  
MONTGOMERY, AL 36130

Appeal Number: 24-10095-P  
Case Style: Kenneth Eugene Smith v. Commissioner, Alabama Department of Corrections, et al  
District Court Docket No: 2:23-cv-00656-RAH

The enclosed order has been ENTERED.

Electronic Filing

All counsel must file documents electronically using the Electronic Case Files ("ECF") system, unless exempted for good cause. Although not required, non-incarcerated pro se parties are permitted to use the ECF system by registering for an account at [www.pacer.gov](http://www.pacer.gov). Information and training materials related to electronic filing are available on the Court's website.

Clerk's Office Phone Numbers

General Information:	404-335-6100	Attorney Admissions:	404-335-6122
Case Administration:	404-335-6135	Capital Cases:	404-335-6200
CM/ECF Help Desk:	404-335-6125	Cases Set for Oral Argument:	404-335-6141

MOT-2 Notice of Court Action

In the  
United States Court of Appeals  
For the Eleventh Circuit

---

No. 24-10095

---

KENNETH EUGENE SMITH,

Plaintiff-Appellant,

*versus*

COMMISSIONER, ALABAMA DEPARTMENT OF  
CORRECTIONS,

WARDEN, HOLMAN CORRECTIONAL FACILITY,

Defendants-Appellees.

---

Appeal from the United States District Court  
for the Middle District of Alabama  
D.C. Docket No. 2:23-cv-00656-RAH

---

2

Order of the Court

24-10095

ORDER:

Appellees' motion to expedite briefing schedule is GRANTED. The following deadlines apply:<sup>1</sup>

1. Appellant's initial brief is due no later than 5:00 pm EST on Monday January 15, 2024.
2. Appellees' response brief is due no later than 5:00 pm EST on Wednesday January 17, 2024.
3. Appellant's reply brief is due no later than 5:00 pm EST on Thursday January 18, 2024.

The Court will hear oral argument in this case on Friday January 19, 2024 at 3:30 pm EST via telephone.

DAVID J. SMITH  
Clerk of the United States Court of  
Appeals for the Eleventh Circuit

ENTERED FOR THE COURT - BY DIRECTION

---

<sup>1</sup> If Appellant seeks a stay of execution, his motion is due by the same date and time as his brief. Appellees' response to the motion to stay execution is due by the same date and time as its response brief. Appellant's reply on his motion to stay execution is due by the same date and time as his reply brief.